

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPEN TEXT S.A.,
Plaintiff,
v.
BOX, INC., et al.,
Defendants.

Case No. 13-cv-04910-JD

**ORDER RE WITNESS AND EXHIBIT
OBJECTIONS FOR 2/5/15**

Re: Dkt. No. 524

This order rules on the parties' objections to witnesses and testimony for February 5, 2015.
See Dkt. No. 524.

I. DEFENDANTS' OBJECTIONS

1. **Prof. Ketan Mayer-Patel:** Denied. An Open Text product could potentially be analogous or comparable to the asserted claims even if it is inferior to Box Edit or differs from the asserted claims. *See Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1316 (Fed. Cir. 2014) (allowing damages expert to rely on technical expert testimony that Magic Trackpad product was "comparable or similar" to features of asserted claims, despite differences). The deposition admissions defendants point to are potential fodder for cross-examination.
2. **Nicholas Carter testimony and exhibits:** Denied.
3. **Nimbus/Core testimony and documents:** Denied, based on Open Text's representation that no Nimbus/Core documents appear on Mr. Carter's exhibit list. No testimony or exhibits about Nimbus/Core should be elicited or introduced unless defendants open the door.

II. OPEN TEXT'S OBJECTIONS

1. **TX1555:** Denied.

1 2. **TX1560:** Denied, so long as defendants use the document to show that Coda 5.3.10 was
2 available as of the Wayback Machine date (Oct. 23, 2000), and not the date in the body of
3 the page itself (Oct. 6, 2000).

4 3. **TX0600 and TX0601:** Denied.

5 **IT IS SO ORDERED.**

6 Dated: February 4, 2015

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9 JAMES DONATO
10 United States District Judge
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